

**Stern, Lavinthal & Frankenberg, LLC**

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Attorneys for Secured Creditor,

**Nationstar Mortgage LLC d/b/a Mr. Cooper  
as servicing agent for THE BANK OF NEW  
YORK MELLON F/K/A THE BANK OF NEW  
YORK AS TRUSTEE FOR FIRST HORIZON  
ALTERNATIVE MORTGAGE SECURITIES  
TRUST 2006-FA7**

By: Jeanette F. Frankenberg, Esq.

By: Ashley L. Rose, Esq.

In Re:

**Kevin J. Murphy**

Debtor(s).

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

Chapter 13

Case No. 17-22445-KCF

Hearing Date: **09/27/2017**

**OBJECTION TO DEBTOR'S MOTION FOR APPROVAL TO PARTICIPATE IN THE LOSS  
MITIGATION PROGRAM**

PLEASE TAKE NOTICE that **Nationstar Mortgage LLC d/b/a Mr. Cooper, as servicing agent for THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-FA7** ("Secured Creditor"), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys, hereby objects to the Approval of the Loss Mitigation Program on grounds including:

1. Debtor previously applied for a loan modification review and was denied on or about March 15, 2017, because of an insufficient reduction in the monthly payment. A true copy of the March 15, 2017 denial letter is annexed hereto as **Exhibit A**.
2. Furthermore, Debtor re-applied for a loan modification review, and was again denied on or about May 10, 2017, *again* because of an insufficient reduction in the monthly payment amount. A true copy of the May 10, 2017 denial letter is annexed hereto as **Exhibit B**.
3. Debtor now seeks to enter the Court's Loss Mitigation Program, and attempt a third review. However, given the previous two (2) loan modification review denials, based on an unfeasible payment reduction, the result would likely be the same: a denial.
4. There is no indication from the Debtor or his attorney why a third review would result in a successful modification, given that the arrears are approximately 102 payments past due, making a modification not feasible.

5. For the reasons stated above, the Debtors motion for Loss Mitigation through the Bankruptcy Court should be denied.

WHEREFORE, it is respectfully requested that the Court deny the Debtors' Request for Loss Mitigation in its entirety.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Stern, Lavinthal & Frankenberg, LLC  
Attorneys for the Secured Creditor,  
**Nationstar Mortgage LLC d/b/a Mr. Cooper  
as servicing agent for THE BANK OF NEW  
YORK MELLON F/K/A THE BANK OF  
NEW YORK AS TRUSTEE FOR FIRST  
HORIZON ALTERNATIVE MORTGAGE  
SECURITIES TRUST 2006-FA7**

/s/ Jeanette F. Frankenberg

/s/ Ashley L. Rose

Jeanette F. Frankenberg, Esq.

Ashley L. Rose, Esq.

Dated: September 11, 2017

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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Cooper as a servicing agent for THE BANK OF NEW  
YORK MELLON F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR FIRST HORIZON ALTERNATIVE  
MORTGAGE SECURITIES TRUST 2006-FA7  
By: Jeanette F. Frankenberg, Esq.  
By: Ashley L. Rose, Esq.

In Re:

Kevin J. Murphy

Case No.: 17-22445-KCF

Chapter: 13

Adv. No.: \_\_\_\_\_

Hearing Date: September 27, 2017

Judge: Kathryn C. Ferguson

**CERTIFICATION OF SERVICE**

1. I, Alicia Moore :

☐ represent \_\_\_\_\_ in this matter.

☒ am the secretary/paralegal for Stern, Lavinthal & Frankenberg, LLC, who represents  
\_\_\_\_\_ in this matter.

☐ am the \_\_\_\_\_ in this case and am representing myself.

2. On September 12, 2017, I sent a copy of the following pleadings and/or documents  
to the parties listed in the chart below.

OBJECTION TO DEBTOR'S MOTION FOR APPROVAL TO PARTICIPATE IN THE  
LOSS MITIGATION PROGRAM

3. I certify under penalty of perjury that the above documents were sent using the mode of service  
indicated.

Date: September 12, 2017

/s/ Alicia Moore  
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Kevin J. Murphy 2430 Sycamore Street Manasquan, NJ 08736	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Eugene D. Roth Law Office of Eugene D. Roth Valley Pk. East 2520 Hwy 35, Suite 307 Manasquan, NJ 08736	Debtor Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other <u>ECF</u> _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other _____ (As authorized by the Court or by rule. Cite the rule if applicable.)